

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
INDIANAPOLIS DIVISION

SHAWN MARSHALL,	)	
	)	
Plaintiff,	)	
	)	
v.	)	No. 1:23-cv-00442-JPH-TAB
	)	
DENNIS Officer,	)	
	)	
Defendant.	)	

**ORDER**

On March 15, 2023, the Court granted Mr. Marshall's motion to proceed *in forma paperis* and assessed a ten-dollar initial partial initial filing fee. Dkt. 6 (ordering Mr. Marshall to pay filing fee by April 12, 2023). Mr. Marshall subsequently filed a motion to extend the deadline to pay the filing fee. Dkt. 7. The Court granted Mr. Marshall's request on March 31, 2023 and extended the deadline to May 29, 2023. Dkt. 8.

Mr. Marshall has since filed a motion for reconsideration of the court's order assessing him a ten-dollar initial partial filing fee and renewed his motion for leave to proceed *in forma pauperis*. Dkts. 9–10. He states that he has not received any monies since December 2022, that his trust account is empty, and that he cannot pay the filing fee. *Id.*

Mr. Marshall's motions, dkts. [9], [10], **are granted**. Although the records initially presented to the Court suggested that Plaintiff had the ability to pay an initial partial filing fee, the Court credits his current representations in his motion that, in reality, he cannot. The Court therefore finds that Plaintiff does

not have the assets or means to pay the initial partial filing fee originally assessed. Because the Prison Litigation Reform Act mandates that a prisoner will not be prohibited from bringing a civil action for the reason that he lacks the assets and means to pay an initial partial filing fee, 28 U.S.C. § 1915(b)(4), Plaintiff will be granted a waiver of payment of the initial partial filing fee in this case.

Although Plaintiff is excused from *pre*-paying the full filing fee, he still must pay the three hundred and fifty (\$350.00) filing fee pursuant to the statutory formula set forth in 28 U.S.C. § 1915(b)(2) when able. *See* 28 U.S.C. § 1915(b)(1) ("[T]he prisoner shall be required to pay the full amount of a filing fee.").

**SO ORDERED.**

Date: 4/28/2023



James Patrick Hanlon  
United States District Judge  
Southern District of Indiana

Distribution:

SHAWN MARSHALL  
218555  
PENDLETON - CF  
PENDLETON CORRECTIONAL FACILITY  
Inmate Mail/Parcels  
4490 West Reformatory Road  
PENDLETON, IN 46064